

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL DOMINO,
Plaintiff,

v.

KENTUCKY FRIED CHICKEN, et al.,
Defendants.

Case No. [19-cv-08449-HSG](#)

**ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S MOTION
TO PROCEED IN FORMA PAUPERIS
AND GRANTING PLAINTIFF'S
MOTION TO FILE AN AMENDED
COMPLAINT**

Re: Dkt. No. 6, 7

Pending before the Court is Plaintiff Michael Domino's motion to proceed in forma pauperis. Dkt. No. 7. The Court **DENIES** the motion **WITHOUT PREJUDICE**.

Defendant filed his motion on December 31, 2019. *Id.* In it, he fails to include sufficient detail to permit the Court to evaluate whether he is unable to pay the filing fees under 28 U.S.C. § 1915. For example, he states that he was employed until September 19, 2019, with a construction position that paid a gross salary of \$120,000 per year, but states that he has no cash or other assets. *Id.* at 1, 3. Defendant also states that he has no monthly expenses, not even for food. Defendant must provide a more coherent and detailed explanation of his financial status and obligations for the Court to determine if he is entitled to proceed in forma pauperis.


Accordingly, the Court **DENIES WITHOUT PREJUDICE** Defendant's request to proceed in forma pauperis. He may file a renewed motion to proceed in forma pauperis within 60 days of the date of this Order, if he so desires. In his renewed motion, Defendant must reasonably and truthfully answer all applicable questions, including those that require him to indicate sources of income, expenses, and liabilities. If Defendant fails to file a renewed motion to proceed in forma pauperis within 60 days, the Court will dismiss the action without prejudice. In the alternative, he may choose instead to pay the filing fee rather than submit a renewed motion to

1 proceed in forma pauperis.

2 The Court also **GRANTS** Plaintiff's Motion for Leave to Amend Complaint. *See* Dkt. No.
3 6. Under Fed. R. Civ. P. 15(a)(1)(A), "[a] party may amend its pleading once as a matter of
4 course within 21 days after serving it." Since the time period described in Rule 15 has not passed,
5 he may file an amended complaint without leave of Court. The Clerk is directed to e-file the
6 amended complaint (attachment 1 to docket no. 6).

7 **IT IS SO ORDERED.**

8 Dated: 1/6/2020

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10 HAYWOOD S. GILLIAM, JR.
11 United States District Judge
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